



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 3, 2005**

Invocation: Rev. Dr. Abraham Percz, Pastor, Ebenezer Family Worship Center

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 3, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:29 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Thomas' motion, Council Member Leffingwell's second on a 7-0 vote.

1. Approval of the minutes from the meeting of October 27, 2005.
The minutes from the meeting of October 27, 2005 were approved.
2. Approve a resolution adopting the Austin Downtown Public Improvement District Service Plan and Budget for 2006-2007. (The Downtown Austin Alliance submitted a 2006-2007 budget for the PID in the amount of \$1,401,458. This budget will be funded from a total of \$1,501,458. This amount includes \$1,287,980 in 2006 assessments (at a 96.24% collection rate), \$63,478 in collections from 2005, interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Appropriation of the \$1,501,458 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 1, 2005. \$100,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll.) (Related Items 3, 21)
Resolution No. 20051103-002 was approved.
3. Approve an ordinance setting the assessment rate and proposed 2006 assessment roll for the Austin Downtown Public Improvement District (PID). (The 2006 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,287,980 at a 96.24% collection rate.) (Related Items 2, 21)
Ordinance No. 20051103-003 was approved.

4. Approve a Resolution adopting the East 6th Street Public Improvement District Service Plan and Budget for 2006-2007. (The Pecan Street Owners Association (PSOA) submitted a 2006-2007 budget for the East Sixth Street Public Improvement District (PID) in the amount of \$125,304. This budget will be funded from a total of \$129,304. This amount includes \$36,304 in 2006 assessments (at a 90.13% collection rate); \$775 in interest accrued in the PID Account and late payments; \$50,239 in donations to be raised by the PSOA; a \$43,500 annual contribution from the City of Austin (Electric Utility Fund), reduced by a \$1,514 shortfall in 2005 collections. Appropriation of the \$129,304 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 1, 2005. \$4,000 of the total amount will be retained as a reserve fund to cover revenue adjustments to the assessment roll.) (Related Items 5, 22)
Resolution No. 20051103-004 was approved.
5. Approve an Ordinance setting the assessment rate and proposed 2006 assessment roll for the East Sixth Street Public Improvement District (PID). (The 2006 assessment rate of \$0.10/\$100 valuation is estimated to produce \$36,304 at a 90.13% collection rate.) (Related Items 4, 22)
Ordinance No. 20051103-005 was approved.
6. Amend the City's parking lease agreement with Crescent Real Estate Funding VIII, L.P. to reduce the number of parking spaces the City leases in the 816 Congress parking garage from 150 to 55, to lease 65 unreserved spaces in the Ninth Street parking garage at 901 Lavaca, and to reduce the rental rates accordingly. (Funding is available in the Fiscal Year 2005-2006 Budget of the Capital Projects Management Fund.)
The motion authorizing amendment to the City's parking lease agreement was approved.
7. Authorize the negotiation and execution of an agreement with AMLI Downtown Austin, L.P., a Delaware Limited Partnership (AMLI), to provide two hours free parking in the City Hall parking garage at certain times through December 31, 2010 for patrons of retail shops and restaurants in AMLI's 2nd Street District multi-use development on Block 20.
The motion authorizing the negotiation and execution of an agreement was approved.
8. Adopt a resolution authorizing the City Manager to approve or deny a surcharge application filed by Texas Gas Service (TGS) to recover utility relocation costs. (Approved by Council Committee for Emerging Technology and Telecommunications)
Resolution No. 20051103-008 was approved.
9. Approve a resolution directing ONEOK, Inc. (Texas Gas Service) to submit to a management audit of the company's operations in Austin. (Funding is provided through the Texas Gas Service franchise agreement.) (Approved by Council Committee for Emerging Technology and Telecommunications)
Resolution No. 20051103-009 was approved.
10. Approve an ordinance to annex the Walnut Creek Municipal Annexation Plan Area for full purposes (approximately 319 acres northwest of the intersection of Braker Lane and Dessau Road). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)
Ordinance No. 20051103-010 was approved.

11. Approve an ordinance to annex the Springfield Phase C Municipal Annexation Plan Area for full purposes (approximately 56 acres located approximately 135 feet south of the intersection of Alum Rock Drive and Thaxton Road in southeast Travis County). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)

Ordinance No. 20051103-011 was approved.

12. Approve an ordinance reimbursing San Jacinto Hotel Partners, L.P., for utility relocation costs associated with the Hampton Inn and Suites development project located at 200 San Jacinto Street in an amount not to exceed \$137,119. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue.)

Ordinance No. 20051103-012 was approved.

13. Authorize execution of a contract with VALDEZ REMODELING & WEATHERIZATION, INC. (MBE/FH 100%), Austin, TX, for the repair or replacement of pier and beam foundations for four homes for the Neighborhood Housing and Community Development Department on behalf of Austin Energy's Holly Good Neighbor Program, in an amount not to exceed \$65,196. (Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy's Holly Good Neighbor Program. Funds are administered by the Neighborhood Housing and Community Development Department.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

14. Authorize negotiation and execution of a 12-month service agreement with CONVERGENT STRATEGIES CONSULTING INC., (M/DBE-100%), Kennett Square, PA, for consulting services related to the Shared Tenant Services program for the Aviation Department in an amount not to exceed \$58,495, with one 12-month extension option in an amount not to exceed \$35,835, for a total agreement amount not to exceed \$94,330. (Funding in the amount of \$53,620.42 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Department of Aviation. Funding for the remaining one month of the original contract period and extension option is contingent upon available funding in future budgets.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Approved by the Airport Advisory Board.)

The motion authorizing the negotiation and execution of a service agreement was approved.

15. Appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.

The following appointments were made:

**Board/
Appointee**

**Consensus/
Council Nominee**

**Appointment/
Reappointment**

Downtown Commission
Ernestine Kubicek

Consensus

Reappointment

Human Rights Commission

Sandra Serna

Council Member Leffingwell

Reappointment

Item 16 was pulled for discussion.

17. Approve a resolution giving the City of Austin's approval for the City of Ames Higher Education Facilities Corporation to issue one or more loans to St. Andrew's Episcopal School as provided under Chapter 53 of the Texas Education Code, as amended, for the purpose of financing or refinancing the acquisition, construction, renovation, and equipment of educational facilities at the St. Andrew's campus at 1112 West 31st Street and at the St. Andrew's Southwest Parkway campus, both within the City of Austin. (Council Member Betty Dunkerley, Mayor Pro Tem Danny Thomas and Council Member Lee Leffingwell)
Resolution No. 20051103-017 was approved.
18. Approve waiver of certain fees and requirements for the Mother's Against Drunk Driving's Jingle Bell 5K, to be held on December 18, 2005. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Brewster McCracken)
The motion authorizing the waiver of certain fees and requirements was approved.
19. Authorize waiver of certain fees and payment of certain costs for the Young Women's Christian Association (YWCA) of Greater Austin's seminar - "Racism, Poverty & PTSD in the Wake of Katrina," to be held on November 4, 2005, at the George Washington Carver Museum Theatre. (Council Member Betty Dunkerley, Council Member Raul Alvarez and Council Member Jennifer Kim)
The motion authorizing the waiver of certain fees and payment of certain costs was approved.

Item 20 was pulled for a 2:00 time certain.

21. Set a public hearing on the Austin Downtown Public Improvement District (PID) 2006 assessments. (Suggested date and time: December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street) (Related Items 2, 3)
The public hearing was set for December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
22. Set a public hearing on the East Sixth Street Public Improvement District (PID) 2006 assessments. (Suggested date and time: December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street) (Related Items 4, 5)
The public hearing was set for December 1, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 23 and 24 were Executive Session items.

Items AHFC-1 through AHFC-4 were set for a time certain of 3:00 p.m.

Items 25 through 30 and Z-1 through Z-7 were zoning items set for 4:00 p.m.

Item 31 was a briefing set for a time certain of 6:00 p.m.

Items 32 through 37 were public hearings set for 6:00 p.m.

DISCUSSION ITEM

38. Approve a resolution to name the pavilion at the Givens Recreation Center for Martin Banks. (Council Member Raul Alvarez and Mayor Pro Tem Danny Thomas)

Resolution No. 20051103-038 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:59 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

23. Discuss legal issues regarding the November 3, 2003 explosion at the North Austin Service Center located at 10715 Burnet Road and the legal service contract with Kemp Smith LLC.

This item was postponed to November 17, 2005 as part of the Consent Agenda action.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:13 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Barb Fox - East Riverside - Oltorf Combined Neighborhood Plan. **She was not present when her name was called.**

Jimmy Castro - Travis County Bond Election

Erika Gonzalez - PODER invites you to our Tribunal on East Austin Housing, November 15, 2005 from 6-8pm at the Conley Guerrero Senior Activity Center (808Nile)

Cathy Castleberry - Zoning Issue - 1207 E. Live Oak

Art Schriber - Zoning Issue - 1207 E. Live Oak

Monte Davis (Replaced Darla Schriber) - Zoning Issue - 1207 E. Live Oak

Jim Wittliff - Zoning Issue - 1207 E. Live Oak

DeCandice Crozier - Day Labor Center

Pat Johnson - CTECC - Emergency Communications Employees - the heroes our citizens never hear about

Ishmael Enriquez - Science Presentation. **He was not present when his name was called.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:43 p.m.

EXECUTIVE SESSION CONTINUED

Personnel Matters - Section-551.074

24. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Related Item 16)

Executive Session ended at 1:40 p.m.

Mayor Wynn called the Council Meeting back to order at 2:09 p.m.

Briefing

20. Presentation to Council from the River of Trade Corridor Coalition on the organization and its programs. (Council Member Lee Leffingwell, Mayor Will Wynn and Council Member Brewster McCracken)

The presentation was made by Bill Blaydes, City of Dallas Councilman – District 10; and Honorable Mike Pappas, Office of Commissioner.

DISCUSSION ITEM CONTINUED

16. Approve an ordinance repealing Ordinance number 040325-31, and establishing compensation and benefits for the Municipal Court Clerk. (Related Item 24)(Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Raul Alvarez)
Ordinance No. 20051103-016 was approved with an annual salary of \$98,820 on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 2:44 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:34 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned at 3:41 p.m.

Mayor Wynn called the Council Meeting back to order at 4:20 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

25. C14-05-0100 - Lake Creek Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10101-10113 Lake Creek Parkway (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning, single-family-standard lot (SF-2) district zoning, limited office (I.O) district zoning, and limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning for Tract 1, townhouse and condominium residence (SF-6) district zoning for Tract 2, and single-family residence-small lot (SF-4A) district zoning

for Tract 3. First reading approved on September 29, 2005. Vote: 7-0. Applicant: Ardennes, L.P. By CGA Ardennes GP, LLC (David E. Castilla and Paula Vangrieken). Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to November 17, 2005 at the applicant's request.

26. C14-04-0150 - Manchaca Mixed Use (formerly known as Neighbor's Stop & Go) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tracts 1 and 2. First reading for Tract 1 on May 12, 2005 to approve limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Vote: 7-0. Second reading for Tract 1 on October 6, 2005 to approve limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Vote: 6-1 (Kim-Nay). First reading for Tract 2 on October 6, 2005 to approve limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Vote: 7-0. Applicant: Anthony R. Bertucci. Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 20051103-026 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tracts 1 and 2 was approved.
27. C14-05-0034.SH - Peaceful Hill Subdivision - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (South Boggy Creek Watershed; Onion Creek Watershed) from townhouse and condominium residence (SF-6) district zoning; warehouse-limited office (W/LO) district zoning; limited industrial services (LI) district zoning; and development reserve (DR) district zoning to single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning with conditions. First reading approved on September 29, 2005. Vote: 7-0. Applicant: Southwest Strategies Group (John Rosato). Agent: Main Street Homes (Ken Blaker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to November 17, 2005 at the adjoining land owner's request.
28. NP-05-0020 - Pleasant Hill Subdistrict, Tract 30 - Approve third reading of an ordinance amending Ordinance No. 20050818-Z001, adopting the South Congress Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, and establishing the land use designation on the future land use map for Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of lot 20 and east 50 feet of Lot 21, Block 1), in the Pleasant Hill Subdistrict of the West Congress Neighborhood Planning Area. The north boundary for the Pleasant Hill Subdistrict is the northern boundary of the Pleasant Hill Addition Subdivision, the eastern boundary is South Congress Avenue, the southern boundary is Stassney Lane, and the western boundary is Hummingbird Lane, which includes those lots with front and side yard frontages along Hummingbird Lane. The proposed change to the future land use map is from single-family to office mixed-use. On September 1, 2005, single-family land use designation was approved on First reading. Vote: 6-1, Mayor Wynn - Nay. On October 6, 2005, office mixed-use land use designation was approved on Second reading. Vote: 6-1, Thomas - Nay. The Council may consider single-family, high-density single-family, multi-family, office, office mixed-use, commercial, or commercial mixed-use land use designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 29)
This item was postponed to December 15, 2005 at staff's request.

29. C14-05-0106 – West Congress Neighborhood Plan Area Rezoning, Pleasant Hill Subdistrict, Tract 23a (116 Red Bird Lane) and Tract 30 – Approve final readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Tract 23a, located at 116 Red Bird Lane and Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of Lot 20 and south 68 feet average and East 50 feet of Lot 21, Block 1), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering Tract 23a and Tract 30, within the subdistrict. Under the Pleasant Hill subdistrict, “Small Lot Amnesty” special use and “Impervious Cover and Parking Placement Restrictions” and “Prohibiting Parking in the Front Yard” zoning regulations are proposed. “Secondary Apartment” special use and “Garage Placement” and “Front Porch Setback” zoning regulations are also proposed for the Pleasant Hill subdistrict. The “Neighborhood Mixed-Use Building” special use is proposed for Tract 30. The proposed zoning change will also change the base district zoning on two tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3); single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MII) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan combining district (NP) may also be added to these zoning base districts. On September 1, 2005, CS-MU-CO-NP district zoning was approved for Tract 23a on First Reading. Vote 6-0, Alvarez off the dais. On September 1, 2005, SF-3-NP district zoning was approved for Tract 30 on First reading. Vote: 6-1, Mayor Wynn – Nay. On October 6, 2005, LO-MU-CO-NP district zoning was approved for Tract 30 on Second reading. Vote: 6-1, Mayor Pro Tem Thomas – Nay. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff Mark Walters, 974-7695. Note: A valid petition has been filed in opposition to the rezoning request for Tract 30. (Related Item 28)
- This item was postponed to December 15, 2005 at staff's request.**
30. C14-05-0106.02 - West Congress Neighborhood Plan Rezoning, Tract B - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 400-414 West Stassney Lane (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office mixed use-neighborhood plan (GO-MU-NP) combining district zoning. First reading approved on October

6, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20051103-030 was approved as drafted with right only egress on Hummingbird Lane.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Leffingwell's motion, Council Member Kim's second on a 7-0 vote.

- Z-1 C14-82-121 (RCA) - Navona - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 805 West Martin Luther King Boulevard (Shoal Creek Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: 19th and West Ltd. (B. Hale). Agent: Jim Bennett. City Staff: Jorge Roussclin, 974-2975.

The motion authorizing a restrictive covenant amendment was approved.

- Z-3 C814-82.006.01(83) - Lake Austin Commons AKA Hartland Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1717 West 6th Street and 1711 West 5th Street from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to allow a change in the permitted uses. Planning Commission Recommendation: Postponed to November 8, 2005. Applicant: Lake Austin Commons Ltd. (William F. Burrow, Jr. Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Jerry Rusthoven, 974-3207.

This item was postponed to November 17, 2005 at the applicant's request.

- Z-4 C14-05-0110 - Bouldin Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Forest Cove Ltd. Agent: John Hussey. City Staff: Robert Heil, 974-2330.

This item was postponed to November 17, 2005 at staff's request.

- Z-5 C14-05-0094 - Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Rutherford Lane (Walnut Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Sokna Loeng. Agent: Austin American Property (Kim Xong Tran). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to November 17, 2005 at the neighborhood's request.

- Z-6 C14-05-0136 - Spring Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West 3rd Street and Bowie Street (Town Lake Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining

district zoning with conditions. Applicant: Third Street Offices, Ltd. (Diana G. Zuniga). Agent: Perry Lorenz. City Staff: Jorge Rousselin, 974-2975.

This item was postponed to November 17, 2005 at Austin Neighborhoods Council's request.

- Z-7 C14-05-0080 - CIVS Offices - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3919 and 3921 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract, and to deny commercial services (CS) district zoning. Applicant: Thoracic & Cardiovascular Realty (Tom Johnston). Agent: Bryant, Campbell & Swartz, LLP (Henry Gilmore). City Staff: Jorge Rousselin, 974-2975.

This item was postponed to November 17, 2005 at the Council's request. Council Member McCracken abstained.

ZONING DISCUSSION ITEMS

- Z-2 C14-05-0106.03 - West Congress Neighborhood Plan Rezoning, Tract 23c - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5402 South Congress Avenue (Williamson Creek Watershed) from single-family residence-standard lot - neighborhood plan (SF-2-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

The public hearing was closed and Ordinance No. 20051103-Z002 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning with the following prohibited uses: pawn shop, auto sales, auto washing, and auto repair was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 4:37 p.m.

LIVE MUSIC

The Hudsons

PROCLAMATIONS

Proclamation - Geographic Information Systems (GIS) Week - to be presented by Mayor Will Wynn and to be accepted by Toby Futrell

Proclamation - Chronic Obstructive Pulmonary Disease (COPD) Awareness Week - to be presented by Mayor Will Wynn and to be accepted by Laura Chapman

Proclamation - Board and Commission Member Recognition Event - to be presented by Mayor Will Wynn and to be accepted by Betty Baker and Mary Arnold

Proclamation - Veterans Day - to be presented by Mayor Will Wynn, Council Members Raul Alvarez and Lee Leffingwell and to be accepted by Moses Saldana

Proclamation - Animal Shelter Appreciation Week - to be presented by Mayor Will Wynn and to be accepted by Amber Rowland

Mayor Wynn called the Council Meeting back to order at 6:23 p.m.

BRIEFINGS AND POSSIBLE ACTION

31. Presentation and approval of a resolution relating to the alignment of the Pfluger Bridge Extension and the Bowie Street pedestrian undercrossing of the Union Pacific Railroad.(Related Item 36)

This item was postponed to December 15, 2005 on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

36. Conduct a public hearing and adopt a resolution authorizing the realignment of the road known as Sandra Muraida Way and construction of a water quality pond in the area of dedicated parkland known as The Sand Beach Reserve in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by the Parks Board and the Environmental Board.) (Related Item 31)

This item was postponed to December 15, 2005 on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

32. Conduct a public hearing and approve an ordinance amending Section 25-9-347 of the City Code to increase the number of housing fee waivers from 1,000 to 1,500 service units of affordable housing and to reduce some time periods during which affordable housing units must remain affordable to retain the exemption. (Recommended by Water and Wastewater Commission, Community Development Commission, and Planning Commission.)

The public hearing was closed and Ordinance No. 20051103-032 was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

33. Conduct a public hearing for the full purpose annexations of the following Avery Ranch Areas:
Tract One: Avery South Section Two, Phase Three: Approximately 8.618 acres in Williamson County (approximately 197 feet north of the intersection of Fernhill Drive and Castle Pines Drive);
Tract Two: Avery South Section Two, Phase Four: Approximately 7.380 acres in Williamson County (approximately 112 feet south of the intersection of Fernhill Drive and Morgan Creek Drive);
Tract Three: Avery South Section Two, Phase Five: Approximately 17.314 acres in Williamson County (approximately 180 feet south of the intersection of Morgan Creek Drive and Branhall Drive);
Tract Four: Avery South Section Two, Phase Six: Approximately 22.866 acres in Williamson County (approximately 147 feet south of the intersection of Edenderry Drive and Caves Valley Drive);
Tract Five: Avery Far West Phase 1, Section 6: Approximately 16.998 acres in Williamson County west of the intersection of Staked Plains Loop and Springs Head Loop

The public hearing was closed on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

34. Conduct a public hearing for the full purpose annexation of the Pond Springs Road Area (Approximately 55 acres in Williamson County east of Pond Springs Road from the intersection of Pond Springs Road and Hunters Chase Drive extending northwest to approximately 400 feet past the intersection of Pond Springs Road and Eddystone Street.)
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
35. Conduct a public hearing for the full purpose annexation of the Interport area (approximately 626 acres) located in eastern Travis County north of State Highway 71 East approximately 720 feet east of the intersection of State Highway 71 East and Fallwell Lane.
The public hearing was closed on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 7-0 vote.
37. Conduct a public hearing to consider a variance request by Janet Maykus to allow construction of an addition to a single-family residence at 403 West 55 1/2 Street in the 25-year and 100-year floodplains of Waller Creek and to waive requirement to dedicate a drainage easement to the full limit of the 100-year floodplain.
The public hearing was closed and Ordinance No. 20051103-037 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 6-1 vote. Council Member Leffingwell voted no.

Mayor Wynn adjourned the meeting at 6:58 p.m. without objection.

The minutes for the Regular Meeting of November 3, 2005 were approved on this the 17th day of November, 2005 on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.